

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ALEX LANDRY, individually and on
behalf of all other similarly situated
current citizens of Illinois and the
United States

Plaintiff,

vs

POST CONSUMER BRANDS, LLC
Defendant.

CIVIL NO. 3:24-CV-1661-spm

CJRA TRACK: TRACK D

PRESUMPTIVE TRIAL MONTH:
February 2027

JUDGE: Stephen P. McGlynn

**JOINT REPORT OF THE PARTIES AND PROPOSED
SCHEDULING AND DISCOVERY ORDER**

(CLASS ACTION)

Pursuant to Federal Rule of Civil Procedure 26(f), SDIL-LR 26.1, and SDIL-LR 23.1, an initial conference of the parties was held on April 2, 2025 with attorneys Andrew G. Phillips (for Defendant) and Robert L. King (for Plaintiff) participating.

SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:

1. Discovery prior to Class Certification must be sufficient to permit the Court to determine whether the requirements of Federal Rule of Civil Procedure 23 are satisfied, including a sufficient inquiry into the merits of the case to ensure appropriate management of the case as a Class Action. Once class certification is decided, the Court will schedule an additional conference with the parties to address entering a new discovery order, addressing any additional merits discovery needed as necessary.
2. Initial interrogatories and requests to produce, pursuant to Federal Rules of Civil Procedure 33 and 34 and SDIL-LR 33.1, shall be served on opposing parties by June 9, 2025.
3. Plaintiff(s) depositions shall be taken by November 21, 2025.
4. Defendant(s) depositions shall be taken by November 21, 2025.
5. Third Party actions must be commenced by July 8, 2025 (which date shall be no late than 90 days following the scheduling conference).
6. Expert witnesses for Class Certification, if any, shall be disclosed, along with a

written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff(s) expert(s): February 9, 2026.

Defendant(s) expert(s): April 10, 2026.

The parties reserve the right to designate rebuttal and sur-rebuttal experts and agree to meet and confer regarding the schedule for disclosure and discovery of such experts after initial experts have been disclosed.

7. Depositions of Class Certification expert witnesses must be taken by: May 21, 2026.
8. The parties **CERTIFY** that they have discussed, in particular, the proportionality of discovery, the burden and expense associated with discovery, and the discovery of electronically stored information (ESI). The parties ☐ do ☒ do not anticipate a need for an ESI protocol. The parties shall submit to the Court any joint proposed ESI protocol no later than N/A. (The protocol shall contain mechanisms for addressing necessary topics concerning ESI to include sources of information, search terms, format of production and preservation of ESI by both Plaintiff(s) and Defendant(s)).

Plaintiff's counsel agrees to alleviate Defendant's burden of proposing and complying with an ESI protocol based on Defendant's counsel's representation that it will work cooperatively with Plaintiff's counsel to search for and produce documents, but either party may revisit this issue with the Court if the lack of an ESI protocol becomes problematic.

9. Plaintiff(s) Motion for Class Certification and Memorandum in Support shall be filed by June 15, 2026 (such date shall be no later than 8 months prior to the first day of the presumptive trial month or the first day of the month of the trial setting) and shall not exceed 40 pages.
10. Defendant(s) Memorandum in Opposition to Class Certification shall be filed by July 31, 2026 and shall not exceed 40 pages.
11. Plaintiff(s) Reply Memorandum, if any, must be filed by September 15, 2026, and shall not exceed 25 pages.
12. The Class Certification hearing, if any, will be set by separate notice.
13. Dispositive Motions shall be filed on or before October 26, 2026.
14. The parties are reminded that, prior to filing any motions concerning discovery, they are first directed to meet and confer relating to any discovery disputes and

then contact the Court to arrange a telephone discovery dispute conference. If the dispute cannot be resolved in the first conference, the Court will establish, with the input of the parties, the mechanism for submitting written positions to the Court on an expedited basis.

<p><u>/s/ Robert L. King</u></p> <p>Robert L. King king@kinglaw.com The Law Office of Robert L. King 9506 Olive Blvd., Suite 224 St. Louis, Missouri 63132 (314) 246-0702</p> <p>David C. Nelson dnelson@nelsonlawpc.com Nelson & Nelson, P.C. 420 North High Street, P.O. Box Y Belleville, IL 62222 (618) 277-4000</p> <p>Matthew H. Armstrong matt@mattarmstronglaw.com ARMSTRONG LAW FIRM LLC 8816 Manchester Rd., No. 109 St. Louis, MO 63144 (314) 258-0212</p> <p>Stuart L. Cochran (<i>pro hac vice motion forthcoming</i>) scochran@condontobin.com Condon Tobin Sladek Thornton Nerenberg, PLLC 8080 Park Lane, Suite 700 Dallas, Texas 75231 (214) 265-3800</p> <p><i>Attorneys for Plaintiff and the Putative Class</i></p>	<p><u>/s/ Patrick D. Cloud</u></p> <p>Patrick D. Cloud Illinois Bar No. 6282672 Heyl Royster Voelker & Allen, P.C. 105 West Vandalia Street Mark Twain Plaza III, Suite 100 Edwardsville, Illinois 62025 (618) 650-7627 PCloud@heyloyroyster.com</p> <p>Angela M. Spivey (<i>pro hac vice</i>) Andrew G. Phillips (<i>pro hac vice</i>) Troy A. Stram (<i>pro hac vice</i>) Alston & Bird LLP 1201 W. Peachtree Street Atlanta, Georgia 30309 (404) 881-7000 (telephone) (404) 881-7777 (facsimile) angela.spivey@alston.com andrew.phillips@alston.com troy.stram@alston.com</p> <p><i>Attorneys for Defendant Post Consumer Brands, LLC</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which electronically delivered a copy of the same to all counsel of record.

/s/ Robert L. King

Robert L. King